

REMARKS/ARGUMENTS

Claims 1-11 were in the application. In the last office action, claim 11 was rejected under 35 U.S.C. § 112 for failing to point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner objected to the use of the word "short" as indefinite.

Claim 11 has now been cancelled. No other amendments have been made to the claims in this Request for Reconsideration. Hence, no new search is believed to be necessary.

Dealing now with the cited art, claims 1-4 and 7-11 have been rejected under 35 U.S.C. 103(a) as obvious over Purdy et al. in view of Rossi et al. Reconsideration of the rejection is respectfully requested for the following reasons.

Claim 1, the only independent claim in the application, recites, inter alia,

"the blade and the needle include resources that combine so that the blade is at rest and traversed freely by the needle when the needle is pushed in the distal direction, and so that the blade stops the needle and is bent by the needle when the needle is drawn in the proximal direction beyond a given axial position".

The above recited feature provides a benefit, absent from the prior art, in that the patient feels no sensation of friction when the needle is withdrawn. Unlike Purdy and Rossi, applicant teaches a construction wherein the "the blade is at rest and traversed freely by the needle" while the needle is in the patient.

Purdy discloses a device wherein the lip (65) of the leaf spring (58) is urged against the shaft of the needle as the needle is withdrawn until the needle is fully stored in the chamber (42). Purdy's leaf spring (blade) is not traversed freely by the needle. Hence, as the needle is withdrawn from the patient, the patient feels a sensation of friction due to rubbing of the leaf spring against the needle. This friction remains present until the needle is fully stored within the chamber.

Nor does Rossi disclose a construction wherein the "the blade is at rest and traversed freely by the needle". The device disclosed by Rossi uses a deflector (13 and 15, or 16) to cause a deviation in the course of the slider (4) which carries the needle (2). Moreover, Rossi discloses a sheath which is linked to the catheter by the coupling of an external bead (8) and a tongue (9). This requires substantial force to separate those parts (column 3, lines 15-20; "capable of being forced over the bead").

Thus it is seen that the construction recited in claim 1 is patentably distinct from and not rendered obvious by that of Purdy in view of Rossi insofar as allowing withdrawal of the needle without friction between the needle and blade or any other part of the device.

The cited prior art devices do not enable this frictionless feature since the disclosed structures either involve a contact between the needle and a guard element (Purdy: leaf spring); or require a substantial effort to separate the needle from the catheter (Rossi; column 3, lines 15-20).

For the foregoing reasons, claim 1 is believed to be patentable over the art of record.

Claims 2-4 and 7-11 depend from claim 1 and are therefore considered to be patentable for the same reasons advanced with respect to claim 1.

With respect to claim 4, applicant further respectfully disagrees with the examiners assertion that Purdy teaches,

"a flexible blade which constitutes a branch of a blade shaped as an L, which has a longitudinal branch fixed to a longitudinal wall of the chamber and a transverse branch which constitutes the flexible blade equipped with a perforation for the passage of the needle."

To the contrary, the device disclosed in Purdy has a U-shaped flexible blade, having

- a transverse fixed part (60), equipped with a perforation (59) for the passage of the needle,

- a longitudinal mobile part (62), which is the deformable part; and

- a transverse part (63), which is not flexible, but moves along with the longitudinal part (62), and has a lip (65) which is in contact with the needle when it is in the distal position.

Purdy's structure differs from the device of claim 4 in that the U-shaped blade of Purdy rubs against the needle at the lip (65), while the above described blade L-shaped structure of applicant's claim 4 does not.

In addition to the reasons advanced in support of the patentability of claim 1, claim 4 is believed to be patentable for

reciting an L-shaped blade structure which, unlike the one in Purdy, permits free movement of the needle relative to the blade while the needle is in the patient.

Claims 5 and 6, which also depend from claim 1, have been rejected for obviousness over Purdy and Rossi in view of Woehr et al.

Woehr discloses needle guard clips (40) and flexible arms (122, 124) that are urged against the needle (16) when the needle is in use, and until the needle is fully withdrawn into the chamber (36). Hence, Woehr's device is subject to friction similar to that which is characteristic of Purdy. Woehr does not overcome the deficiencies of Purdy and Rossi insofar as they do not permit free movement of the needle relative to the blade. Claims 5 and 6 depend from claim 1 and are therefore considered to be patentable for the same reasons advanced with respect to claim 1.

Also, with respect to claim 6, although Rossi discloses a needle guard and a bead (8) which interacts with a tongue, the needle guard does not interact with the bead or the tongue in order to release the catheter from the sheath, i.e., does not operate a lever to release the dog.

In view of the above, it is respectfully submitted that claim 1 and each of claims 2-10 which depend from claim 1 are not rendered obvious by the combination of Purdy and Rossi, and are, therefore, patentable.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Reconsideration

of the rejection, and early and favorable action is earnestly solicited.

An unpaid fee required to keep this case alive may be charged to deposit account 06-0735.

Respectfully Submitted,

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